

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

KELLY CAHILL, SARA JOHNSTON, Case No.: 3:18-cv-01477-JR
LINDSAY ELIZABETH, and HEATHER
HENDER, individually and on
behalf of others similarly
situated,
Plaintiffs,
v.
NIKE, INC., an Oregon Corporation,
Defendant.

VIDEOTAPED VIDEOCONFERENCE DEPOSITION OF
SARA JOHNSTON
Beaverton, Oregon
Tuesday, November 24, 2020
Volume 1

Reported by:
LESLIE JOHNSON
RPR, CCRR, CSR No. 11451
Job No.: 4347395
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1 APPEARANCES :

2
3 For Plaintiffs:

4 GOLDSTEIN, BORGEN, DARDARIAN & HO

5 BY: JAMES KAN, ESQ.

6 MENGFEI SUN, ESQ.

7 155 Grand Avenue, Suite 900

8 Oakland, California 94612-3536

9 (510) 763-9800

10 jkan@gbdhlegal.com

11 msun@gbdhlegal.com

12 -and-

13 MARKOWITZ HERBOLD PC

14 BY: ANTHONY BLAKE, ESQ.

15 1455 SW Broadway, Suite 1900

16 Portland, Oregon 97201

17 (503) 295-3085

18 anthonyblack@markowitzherbold.com

19
20
21
22
23
24
25

Page 3

1 APPEARANCES (Cont.):

2
3 For Defendant:

4 PAUL HASTINGS LLP

5 BY: DANIEL PRINCE, ESQ.

6 LINDSEY C. JACKSON, ESQ.

7 515 South Flower Street, 25th Floor

8 Los Angeles, California 90071

9 (213) 683-6000

10 danielprince@paulhastings.com

11 lindseyjackson@paulhastings.com

12
Also Present:

13 DUSTIN BROWN, Videographer

14 CASSIE ENGLISH, Nike

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1 course of study at OAT. There were three classes 02:18:07
2 that were relevant and applicable.

3 Q And you specifically applied, right, for
4 that BSA1 position; is that right?

5 A Yeah. The BSA1, I believe, was also like 02:18:20
6 the ASR. It's a pool that they keep open for
7 entry-level BSA roles.

8 Q Were there any other skills or expertise
9 that you thought you brought to bear on that
10 position? 02:18:38

11 A I do think all of my knowledge of the SAP
12 application, the whole supply chain, right, supply
13 planning, demand planning, inventory planning,
14 logistics. I knew people in all those departments.
15 I understood in a good way how those flowed. 02:18:51

16 I had some reporting experience with, you
17 know, Excel and a lot of Excel experience. I was a
18 subject matter expert and helped -- I actually
19 suggested several changes to our current system.
20 They had a rollout of a new order management system 02:19:16
21 and helped do some of the testing on their deconsol
22 process. So there was a little bit of experience
23 with that as well.

24 Q For how long did you hold that junior BSA
25 position? 02:19:34

<u>1</u>	<u>A</u>	<u>I don't know. I don't know exact dates.</u>	<u>02:19:38</u>
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2 Q I think you began in around August of
3 2012. Does that sound correct?

4 A That sounds about right.

5 Q And I believe your complaint alleges that 02:19:49
6 you held that position until somewhere around the
7 first six months of 2014. And I just wanted to know
8 whether or not you had a more precise window. If
9 you recall.

I know that I met with my manager for a 02:20:03
CFE, and both Grant and Noah were promoted and I was
not. He said that he lobbied for me very hard, but
during the OTP process, I was not visible and so he
couldn't promote me. And then he promoted me
off-cycle. 02:20:25

16 So I -- I would say, if I started in 8 of
17 '12, a full year would have been '13, and then
18 off-cycle would have been either beginning of '14 --
19 somewhere in there. Sounds about right.

20 Q Yeah. But the question -- literally the 02:20:42
21 question was, do you recall what month in 2014 you
22 would have stopped serving in the junior BSA role?

23 A I don't recall, no.

24	Q Do you know how many people were	
25	considered for that junior BSA position?	02:21:03

1 Q Do you know whether you volunteered 03:49:34
2 information about your prior compensation when you
3 were offered the junior BSA position?

4 A I don't think so. I don't recall.

5 Q Do you recall one way or the other? 03:49:44

6 A I don't recall.

7 Q Do you recall that your base salary was
8 around \$58,000 as a junior BSA? Is that correct?

9 A Sounds about right.

10 Q Did you negotiate that salary? 03:50:10

11 A I didn't know that I could. I assumed
12 that, since I was already an employee, that I acted
13 more like a promotion or an internal transfer. I
14 didn't think that I could negotiate when going into
15 that role because I wasn't a new hire. So it -- I 03:50:32
16 don't think that I tried.

17 Q Did you know whether or not this was an
18 entry-level professional position?

19 A At the time I applied?

20 Q At the time you applied. 03:51:01

21 A No. I don't know that I did. I don't
22 know that I understood.

23 Q You were promoted to the intermediate BSA
24 role in about July of 2014; is that right?

25 A That sounds about right. 03:51:26

1 infrastructure, that you're going to hire an 04:59:43
2 external candidate. And, if that's the case, I can
3 partner with them and train them on all things Nike
4 from what this role requires. I can be a junior
5 product owner on the other team, and I can" -- "we 04:59:58
6 can work together and mentor each other. I can
7 mentor them in Nike, and they can train me how to be
8 a better product owner, if that's your concern."

9 And he indicated that would not be
10 acceptable and that he would like to help me move to 05:00:13
11 a different team.

12 Q What was your response to that?

13 A So I tried to find another position.
14 Zubair was a great manager who advocated for me, so
15 I reached out to him and asked if he had any roles. 05:00:35
16 Zubair said he had a potential opening and that he
17 would talk to Ryan.

18 Zubair, you know, I talked to him a few
19 times and I talked to Ryan a few times. I'm a
20 little hazy this far removed from the situation, but 05:00:51
21 I recall distinctly that Zubair had told me he
22 needed feedback from Ryan to move me into the role
23 or to interview me for the role.

24 And so I went to Ryan. I was in his
25 office, had a conversation with Ryan. And Ryan told 05:01:10

1 me that he had talked to Zubair earlier that morning 05:01:12
2 and given me a recommendation. I walked out of the
3 office and into the break room and ran straight into
4 Zubair not even two minutes later, and I asked
5 Zubair about the conversation, and he said Ryan 05:01:25
6 never spoke to him.

7 It's my belief that Ryan lied to me and
8 that he -- from his behavior and from the things he
9 said that he was retaliating potentially from his
10 interaction and the issues that happened with [REDACTED] 05:01:43
11 that he didn't want me on his team because I had
12 reported the incident to HR.

13 And so I felt like I had no other choice.
14 I was never going to be promoted. I had actually
15 been demoted and taken the position away from me. I 05:02:02
16 felt like I had to leave Nike. I felt like my
17 career was dead if I stayed. There was no space for
18 me. So I left.

19 Q While you were in your stretch role, were
20 the other intermediate BSAs still in their capacity 05:02:17
21 as an intermediate BSA?

22 MR. KAN: Objection. Vague and ambiguous.

23 THE WITNESS: I don't know which
24 intermediate BSAs you're talking about. I believe
25 that Grant and Noah had been promoted multiple times 05:02:37

1 On, you know, the Valentine's Day text 05:25:47
2 where he sent a dick pic, it actually was sent when
3 I was at a coworker's house having a glass of wine,
4 and the coworker saw it. So I deleted -- I thought
5 I had deleted all of the photos a long time ago 05:26:03
6 before I even left Nike.

7 Q The question I have is, you preserved the
8 nude photographs that [REDACTED] sent you and
9 indeed turned them over to Nike HR. However, your
10 photos that you sent you deleted; is that correct? 05:26:30

11 MR. KAN: Objection. Misstates her
12 testimony.

13 THE WITNESS: There was a time that I
14 considered dating [REDACTED]. I viewed everything up to
15 that point as consensual. Even the stuff that 05:26:44
16 wasn't consensual at the beginning, in my complaint
17 to HR, it wasn't necessarily that that had -- that
18 we had a consensual relationship.

19 For me, the issue was he was retaliating.
20 I had stopped responding, and he refused to come to 05:27:05
21 meetings -- to two meetings that I held that were
22 necessary to get my job done. He was effectively
23 preventing me from doing my job, and he started
24 denigrating my work to other coworkers.

25 If I needed to meet with him, he was 05:27:22

1 punishing me because I wasn't responding, and he 05:27:25
2 absolutely required that a male or a different
3 coworker set the meeting. He wouldn't go to it if I
4 set it. He didn't show up.

5 I then needed to get my work done. He was 05:27:39
6 retaliating against me and refusing to help me with
7 my work because I stopped responding after -- so
8 there was a period -- I will say at the very
9 beginning, it was nonconsensual. There was a period
10 that was consensual. And I didn't turn any of the 05:27:54
11 material over to HR between either of us because it
12 was consensual.

13 And then the period of nonconsensual
14 activity, I handed that over because I felt like
15 that was when the boundaries were broken between 05:28:09
16 what we agreed to, and I was being retaliated
17 against because I wouldn't respond sexually to him
18 anymore or however.

19 BY MR. PRINCE:

20 Q In Exhibit 40, where does [REDACTED] ask 05:28:26
21 for nude photo of you?

22 MR. KAN: Objection. The document speaks
23 for itself.

24 THE WITNESS: On December 14th. I can't
25 see which one, since I -- yeah. I don't know which 05:28:57

1 Who did you speak with in HR about your 06:05:46
2 claims that [REDACTED] had sent you inappropriate
3 materials?

4 A There were a few people that I talked
5 with. I originally approached Lara Anderson, who I 06:05:59
6 knew was in human resources, and she directed me to
7 the HR, I think, email process. There's, like, an
8 email -- so I sent an email in. And then I spoke
9 with Brittany Miller.

10 I also, in the course of -- at that moment 06:06:21
11 in time was also friends with Caroline Allaker, who
12 was, I believe, a manager in HR at that time, also
13 trying to work that angle. So Lara, Caroline,
14 Brittany Miller and Steve Dawson were the ones that
15 I had communications with. 06:06:44

16 Q And what was your specific complaint about

17 [REDACTED]

18 MR. KAN: Objection. Vague and ambiguous
19 as to time.

20 BY MR. PRINCE: 06:06:57

21 Q In the February to March 2016 time frame.

22 A So I went to HR with [REDACTED]
23 (phonetic). I found out that he sexually assaulted
24 her at the same event where he started sending me
25 inappropriate messages. So [REDACTED] and I together 06:07:19

1 went to HR, and they asked to speak to us 06:07:22
2 separately.

3 So I reported what [REDACTED] said to me, and I
4 reported the retaliation from [REDACTED], as well as I
5 reported my management and their responses. I 06:07:38
6 believe I documented all of the interactions and
7 attached it to an email for Steve Dawson. If you'd
8 like to refer to that, I can give you more detail.

9 Q And did you approach ER, employee
10 relations, about [REDACTED] in April of 2016? 06:08:08

11 A I believe that -- or what I can recall at
12 this time is that I know that there is a complaint
13 resolution procedure that I read online that was, if
14 you go to your manager, if your manager doesn't
15 manage it, you go to your director. If your 06:08:32
16 director doesn't go to it, go to HR. If HR doesn't
17 go to it, then go to the HR manager, all the way up
18 to, I think, the VP of HR. And, if the VP of HR
19 doesn't respond, then you can seek outside help.

20 So I felt like the situation was 06:08:46
21 particularly egregious, so through that same method
22 of which ER connected me with Brittany Miller, I
23 responded to that and said I would like to speak to
24 the ultimate person at the end of the chain, the VP
25 of HR. And so I requested through the email HR 06:09:04

1 direct inbox -- I believe that's what it was -- to 06:09:10
2 speak with the VP of HR, which I believe that was
3 David Ayre at that time.

4 Q Did you ever speak with him?

5 A No. I was set up with an appointment with 06:09:23
6 Steve Dawson. I followed that email up with -- that
7 appointment up with a request -- you know, I
8 requested to speak with the VP of HR. They have the
9 ultimate complaint resolution abilities. "Does this
10 person have the same ability per this policy in this 06:09:39
11 regard?" And they responded, "Yes, he does."

12 Q What was your conversation with Mr. Dawson
13 in relation to your complaints about Mr. [REDACTED]
14 [REDACTED]?

15 A We talked for two hours. So when I first 06:10:01
16 entered the room, I validated with him that he did
17 indeed have the same powers as David Ayre to make
18 sure that I was going up the chain of command.

19 And then he asked me. He's like, you
20 know, "You haven't had any more experiences with 06:10:22
21 [REDACTED]. Why are you here?"

22 And I said, you know, "[REDACTED] texted me at
23 11:00 p.m. on my birthday trip. He was trying to
24 what I believe is reignite his inappropriate
25 behavior." 06:10:43

1 And he asked me the contents of the text 06:10:47
2 message, and I said it was "Have fun in L.A." And
3 he told me he didn't believe that that was negative.
4 And I said context matters. You know, if you're a
5 married person and you're receiving text messages 06:11:06
6 from female colleagues at -- you know, in the middle
7 of the night, how would your wife respond? I saw he
8 was married. He had a wedding ring on his finger.
9 And he's like, "Well, that's irrelevant."
10 And I said, "I don't think it is." I 06:11:22
11 think that he was texting me in the middle of the
12 night. That fit his pattern of behavior, and that
13 he was trying to initiate more harassment, and that
14 I had seen that he had escalated. I had talked with
15 ██████████ and seen every message that ██████████ 06:11:38
16 sent to her, every single message in detail. I read
17 the chain multiple times, and that he was escalating
18 his abuse of women.
19 I had seen ██████████ come up and say to
20 ██████████ "You're lucky that we're friends because that's 06:11:59
21 inappropriate," and "don't do that anymore." And I
22 felt like, with respect to the situation, that HR
23 hadn't handled it.
24 With respect to ██████████ , I think there was a
25 lot more that I covered in the interview with 06:12:22

1 Mr. Dawson. I think that's what I can recall right 06:12:25
2 now.

3 Q Okay.

4 A I recall more.

5 Q Okay. Please tell me. 06:12:38

6 A So the other thing that I talked with
7 Mr. Dawson about was [REDACTED]'s retaliation and how he
8 wouldn't meet with me, and that he had recently been
9 promoted into a new role.

10 I had communicated with my managers, and 06:12:56
11 they said that [REDACTED] would now be about 70 percent
12 contributor to my CFE. And then I actually drew an
13 org chart for Mr. Dawson. I talked with Mr. Dawson
14 about how Justin and Ryan outlined that I could not
15 leave the department. I could only stay in planning 06:13:20
16 and how if -- any role that I could potentially take
17 within the department, if I were to move, he would
18 have an impact based on the role that he was in on
19 my career.

20 And he asked "What about this? What about 06:13:34
21 this?" And I drew a hierarchy on the desk that
22 showed what effect it impacted me.

23 And then I asked about training. I asked,
24 you know, why training wasn't done for management,
25 why training wasn't done for [REDACTED] what had been 06:13:54

1 done. I think there might be more, but that's what 06:14:01
2 I'm recalling right now with respect to [REDACTED].

3 Q You mentioned an org chart. What happened
4 to the org chart? Did you provide that to your
5 lawyers? 06:14:17

6 A No. So in the room we were in, the
7 tabletop is made out of whiteboard material. And we
8 had whiteboard erase markers. So I drew it on the
9 table, and I believe Mr. Dawson took pictures. So I
10 don't have a copy of what I drew. 06:14:40

11 Q Okay.

12 A If you have a copy in your notes, I would
13 be happy to look at it and confirm.

14 Q Okay. So, as far as you recall, that --
15 what you just told me is your recollection of your 06:14:51
16 correspondence with Mr. Dawson; is that right?

17 A No. That's not correct. That's my
18 conversation, not correspondence with Mr. Dawson,
19 regarding [REDACTED]. Since I was meeting with the
20 ultimate person in HR, I took the opportunity and 06:15:12
21 talked about all of the other issues that I talked
22 with you about regarding pay, promotion, the -- I
23 don't know what you call it, but I called it
24 funneling into different areas.

25 I talked about the ineffectiveness of 06:15:31

1 Brittany Miller. And one of the things she said is 06:15:36
2 that my investigation was closed and that I never
3 had a case. But, when we were talking, she said
4 that, in any sort of situation like this, we
5 automatically, no matter what, make all of the 06:15:54
6 managers in the department go through training.

7 And I told my boss about that
8 conversation. And I checked in with him every two
9 weeks to ask if they had training, and they kept
10 saying "No, no, no." And then Brittany -- you know, 06:16:07
11 it turns out when I talked with Brittany the second
12 time that -- even though, the way she presented it,
13 that it would actually happen, it never did, and
14 that she closed the case and said there was no
15 complaints and basically erased it. 06:16:20

16 And so I talked about how HR mishandled
17 it, especially given how, you know, [REDACTED] was
18 affected, how [REDACTED] was affected. And I don't know
19 how many other women were affected. I've heard of
20 other women that didn't tell me firsthand that were 06:16:39
21 impacted by [REDACTED]'s behavior. He was a predator, and
22 he preyed on his coworkers and the power dynamic
23 that he held.

24 So I brought all of that -- and I'm sure
25 there's more, but I talked about each and every one 06:16:55

1 of those things with Mr. Dawson. I suggested that 06:16:58
2 they create a program called, you know, Play Fair,
3 like they did Keep It Tight and -- or that they do,
4 you know, an IT training. Because it was -- I felt
5 like it was severe and pervasive, the bias and 06:17:15
6 behavior.

7 I also talked about [REDACTED] his
8 behavior on the golf course. I talked about some of
9 the behavior of the other people in leadership and
10 said, you know, "I don't feel like, with the 06:17:32
11 behavior that's been allowed and with the way that
12 management has been behaving, that I have a fair
13 chance at getting promoted or even having a career
14 here. There are several men in management that are
15 behaving inappropriately." 06:17:47

16 Q Okay. So I --

17 A So I think there is still more. It was a
18 two-hour conversation. And I wish I could recount
19 all two hours of it for you. I think that --

20 Q Fair enough. 06:18:11

21 A -- that's the primary.

22 Q Those were the primary points. Fair?

23 A Yeah. I think that's . . .

24 Q Did you convey different points to Lara
25 Anderson? 06:18:26

1 left her to make the decision -- we were in a little 06:23:15
2 conference room in the back -- I was -- I thought to
3 myself "There is no way I can allow this." So
4 that's when I emailed Brittany and said "Hey, we
5 need to talk. I found out some additional issues 06:23:26
6 about [REDACTED]."

7 So [REDACTED] and I went to the Brickyard
8 Tavern, and we hung out. Brittany responded to me.
9 [REDACTED] came out probably an hour or two after I
10 sent the email to Brittany and said "I made the 06:23:45
11 decision that I would report it to HR. I sent
12 Brittany Miller an email."

13 Brittany responded to me. She did not
14 respond to [REDACTED] that day. We both went to the
15 Brickyard to go talk and have a conversation. 06:23:59

16 When Brittany called me, [REDACTED] was
17 present. She heard my end of the conversation with
18 Brittany, how it went. And we talked about, you
19 know, Brittany's response. Because Brittany told me
20 if I talked about [REDACTED] at all anymore, I would be 06:24:19
21 fired for harassment of him, that I was
22 participating in retaliation of him, and that I was
23 not to speak about the incident.

24 And I asked Brittany very clearly, "Is the
25 investigation still open?" And she said "No." 06:24:40

1 There was never any investigation that she 06:24:42
2 conducted, that she closed it as having a consensual
3 relationship, so, therefore, no -- nothing occurred.
4 So there was no investigation. There was no more to
5 the matter. 06:24:57

6 And I asked her if [REDACTED]'s investigation
7 was open, and she said she was not allowed to
8 comment on that on what steps had been taken.

9 So [REDACTED] heard all of that, to the best
10 of my knowledge, from my perspective. We talked 06:25:10
11 about Brittany's conversation. And so I know that
12 [REDACTED] met with HR. And then [REDACTED] and I hung
13 out again and talked about what happened. She
14 wanted someone to talk to because she was really
15 distraught having to relive it. 06:25:30

16 So [REDACTED] copied all of her text messages
17 from [REDACTED] And she was doing it in the back
18 conference room after her meeting. I watched her do
19 it. She told me she sent it to HR and was having a
20 really hard time because they were very violent and 06:25:45
21 graphic in nature. She sat right next to [REDACTED], like
22 three feet away. She built a wall in between their
23 space.

24 So with respect to [REDACTED] and I, you
25 know, after that, I asked her what was the outcome, 06:26:06

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1 Nike took to investigate the [REDACTED] incident? 06:39:36

2 MR. KAN: Objection. Asked and answered.

3 THE WITNESS: Brittany Miller and Steve

4 Dawson were very clear that they could not share

5 with me any steps or information, that I just had to 06:39:54

6 trust them.

7 BY MR. PRINCE:

8 Q Who is [REDACTED]? And, if you

9 need me to spell that, I'm happy to do so, because I

10 may not have pronounced it correctly. 06:40:14

11 A I know who [REDACTED] is. He is another

12 manager. I am not entirely certain his level, but I

13 would assume he's a senior director like Jim

14 Sherwin. [REDACTED] worked on the planning

15 transformation project with me. 06:40:34

16 Q And do you believe that you were treated

17 differently because of your gender by [REDACTED]?

18 A Yes. I was assigned to work on a project

19 with that team. And, when I walked into the room,

20 he asked me why I hadn't set up all the meetings, 06:41:03

21 why I hadn't set up email lists. Basically, was

22 asking me why I hadn't done the type of

23 administrative duties that are outside the scope of

24 my job.

25 I was the only female in the room. There 06:41:22

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1 were other BSAs in the room, and he didn't ask that 06:41:25
2 of them. I was there as the reporting developer,
3 not as -- and as a BSA and not as -- not as the
4 person that set up the meetings. So I believe that
5 he gave me the traditional -- the traditional gender 06:41:44
6 bias.

7 He also basically went out of his way to
8 ask me, "Do you own stock in the company?" And I
9 said "Yes." And he's like, "Well, then you should
10 be upset with your own performance because you 06:42:07
11 haven't been proactive in setting up everything for
12 the company" -- or "for the meeting," that you
13 haven't done all of these things. And he listed the
14 tasks that, like, an administrative assistant would
15 do that are things that I don't have access to do, 06:42:24
16 that I don't have in the scope of my job, that are
17 not specifically things of that nature that a BSA or
18 a developer would do. And he yelled at me in front
19 of the team. And it took probably a good 15 to 20
20 minutes of an hour-long time to embarrass me in 06:42:42
21 front of all my male peers and counterparts.

22 I immediately went to Justin and said, "I
23 don't think that I will be successful in this role
24 because of his bias. I think that he treats me
25 differently because I'm a female. I was the only 06:43:00

1 female in the room." And even when the male who was 06:43:03
2 supposed to do those things came in or had more
3 visibility to that, he didn't -- he didn't recant
4 and put it on the male. He kept with his behavior
5 and comments. 06:43:17

6 And then I know that the feedback was
7 given to [REDACTED] because on two or three occasion he
8 would approach me and say, "Oh, you don't want to
9 work with me, huh?" So he definitely was informed
10 that I reported the behavior to Justin. 06:43:34

11 My video has frozen. I don't know if the
12 audio has also frozen.

13 Q I still have you on the audio and now
14 again the video.

15 A Okay. 06:43:49

16 Q This incident where you say that
17 [REDACTED] yelled at you in front of male
18 employees, do you recall when it occurred?

19 A I -- I don't. I think there could be
20 documentation with that information on it. 06:44:08

21 Q Did you go to HR or ER to report that
22 incident?

23 A No. I went to Justin. The complaint
24 procedure says "Go to your manager. If your manager
25 doesn't handle it, then go to your director. If the 06:44:21

1 director doesn't handle it, then go to HR." 06:44:24

2 So I didn't feel the need to take it past
3 the first step in the complaint resolution procedure
4 as I knew it.

5 Q Who was present at this meeting where you 06:44:32
6 claimed that [REDACTED] yelled at you?

7 A There were people on his team. I don't
8 know all their names, it was so long ago. But I do
9 know that I messaged Jason Judd to come into the
10 meeting because he was the one responsible for the 06:44:50
11 activities that [REDACTED] was yelling at me for. So
12 Jason came in and took responsibility, and, you
13 know, [REDACTED] didn't apologize or relent.

14 Q Were there -- you said there were male
15 employees there. Were there any women employees in 06:45:06
16 that room? Is that a "no"?

17 A Not that I recall. Not that I recall.

18 MR. KAN: Daniel, I don't want to
19 interrupt your flow, but if you're nearing a
20 stopping point, we've been going almost -- a little 06:45:30
21 under two hours. It might be a good time for a
22 break.

23 MR. PRINCE: If you would like to take a
24 break. I probably have -- I mean, I'm hoping to
25 move through some of this pretty quickly, but, you 06:45:44

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1 opportunity to respond. And that's -- she's 07:09:40
2 entitled to give her best answer. She was in the
3 middle of doing it, and I think she should be given
4 the opportunity to finish her response.

5 So, Sara, if you can remember where you 07:09:53
6 left off, or maybe the court reporter can prompt
7 you, and then you can finish giving your answer.
8 And then that's fine.

9 THE WITNESS: Yes. So I believe that I
10 was at the point where we were in this golf 07:10:03
11 tournament. I was golfing with [REDACTED] and
12 [REDACTED] and there was one other person present. We
13 were in the middle of one of the rounds of golf, and
14 [REDACTED] did not hit the ball past the woman's pin.
15 And [REDACTED] smirked at me. And I was like 07:10:25
16 "What?" And he smirked and then said to [REDACTED]
17 "You're lucky she's here." And I said, you know,
18 I'm --

19 THE REPORTER: I didn't get what he said.
20 He said what? I'm sorry. 07:10:44

21 THE WITNESS: Oh. "You're lucky she's
22 here."

23 THE REPORTER: Thank you.

24 BY MR. PRINCE:

25 Q Continue. 07:10:44

1 BY MR. PRINCE: 07:14:20

2 Q I think before we took a break,
3 Ms. Johnston, you were answering -- I think we may
4 have lost -- now we have you again.

5 I think Ms. Johnston was answering a 07:14:33
6 question about her experiences with [REDACTED] and
7 recounting the story of someone hitting a golf ball
8 on a golf course.

9 So do you recall where you left off?

10 A Yes. 07:14:50

11 So [REDACTED] motioned to [REDACTED] to come
12 closer, whispered into his ear and smirked at me,
13 looked up and smirked at me. And I said "What?
14 Like, you know, I'm part of this golf tournament.
15 I'm part of this golf team. Like, you guys can 07:15:10
16 share with me what's going on."

17 And [REDACTED] told [REDACTED] to tell me.
18 And [REDACTED] looked incredibly uncomfortable. And he
19 said "You're lucky that" -- or "I'm lucky that
20 you're here, because, if you weren't, when a male 07:15:28
21 doesn't hit the ball past the women's pin, they have
22 to pull their dick out and walk to the next pin with
23 it out of their pants."

24 And I said "Wow, that's -- okay."

25 So it made me incredibly uncomfortable. 07:15:54

1 He is a senior director. He is a leader. He is 07:16:01
2 part of the OTE process for our group. I was told
3 by, you know, my managers, first Zubair and Justin,
4 a person I needed to impress with my career is this
5 person who just made a really inappropriate comment 07:16:18
6 to me on the golf course.

7 When I shared that comment with Steve
8 Dawson, he asked me why I didn't report it. And I
9 told him I think that some of the sexual comments
10 and behaviors are so normalized within our group 07:16:35
11 that it didn't feel completely abnormal. It felt
12 highly inappropriate, but I thought that was just
13 me. I didn't understand with some of the
14 inappropriateness how inappropriate it was at the
15 time. Now I do. 07:16:54

16 And I told him that there are other
17 occasions when [REDACTED] made me feel very
18 uncomfortable. I had my hair in a pixie cut, and
19 for one of our winter parties I wore a wig, a long
20 blonde hair wig for fun, going out after hours with 07:17:14
21 the crew. I also wore it for Halloween.

22 And [REDACTED] after that event, would
23 come up and say "You should really grow your hair
24 out. You look really good with long hair." And at
25 one point, he actually, like, caressed my hair and 07:17:33

1 told me I should grow it out. And he did that in a 07:17:37
2 hallway where no one was looking. Because I looked
3 around to see, wow, did anybody just see that?
4 That's so creepy.

5 So I recounted both of those to Mr. Dawson 07:17:48
6 and stated, you know, between [REDACTED], between [REDACTED]
7 [REDACTED], you know, some of the behavior that I've
8 seen in senior leadership who are making the
9 decisions in OTP and in our -- you know, in our
10 promotion and hiring process, it seems like there's 07:18:02
11 a very biased and, you know, male gendered behavior,
12 that there should be training at the very minimum
13 for our entire department, but that -- an
14 investigation should be conducted into how
15 management is responding. You know, Justin and Ryan 07:18:20
16 didn't know how to handle a sexual harassment thing.

17 So I testified to all of that -- not
18 testified. I said all of that in my initial
19 conversation with Steve Dawson about [REDACTED] I
20 think that, knowing his role and knowing that the 07:18:39
21 perception matters, I don't see how his behavior
22 would be different than how he views my professional
23 activities. I think he discounts women is my
24 personal experience.

25 Q Other than the golf course incident, the 07:19:02

1 caressing of your hair and commenting on your hair, 07:19:06
2 are there other incidents that you claim in which
3 ██████████ discriminated against you based on your
4 gender?

5 A I think that there is probably things that 07:19:28
6 I didn't have a view to. I believe that he took
7 part in the talent planning process. I was told
8 that he took part in the talent planning process,
9 that people either had no perception of me or didn't
10 know who I was, didn't -- you know, they discounted 07:19:46
11 my presence in the project that I was on where I
12 presented and was had been test captain and very
13 visible where they didn't know who I was and
14 discounted me.

15 So, you know, I believe, through the 07:20:02
16 communications, that he's part of the reason I
17 didn't get a promotion like Grant and Noah. Grant
18 and Noah were direct reports of ██████████. He
19 promoted them. He did not promote me. Based on
20 what I've heard from my managers, he was the main 07:20:17
21 reason, and he was the one person I needed to
22 impress.

23 Q Your complaint also alleges that there was
24 a photograph of a male director spanking a female
25 director. 07:20:42

1 But . . . 07:57:21

2 BY MR. PRINCE:

3 Q And so, would the -- sorry. Let me start

4 over.

5 Do you know whether women make hiring or 07:57:40

6 promotions decisions at Nike?

7 A I would assume that some do.

8 Q Do you know whether women make

9 compensation decisions at Nike?

10 A I would assume that some do that as well. 07:58:00

11 Q Do you know whether women investigate

12 complaints of gender discrimination at Nike?

13 A I would assume that they would if it were

14 part of their job.

15 Q Any reason to believe that women would not 07:58:21

16 participate in any of these processes?

17 MR. KAN: Objection. Vague and ambiguous.

18 THE WITNESS: I wouldn't see why they

19 wouldn't.

20 BY MR. PRINCE: 07:58:40

21 Q In your lawsuit, what's the remedy that

22 you're seeking?

23 A I don't understand the question. What do

24 you mean "remedy"?

25 Q What ultimate relief are you seeking in 07:59:00

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1 connection with being a member of this class action 07:59:04
2 lawsuit?

3 A Me personally?

4 Q Yes.

5 A I would like all women to be treated 07:59:15
6 fairly, to be treated equitably, to have their
7 complaints taken seriously. I don't want any woman
8 to ever experience what [REDACTED] or I or [REDACTED] did.

9 I would really like to see a comprehensive
10 training rolled out. I believe that some of the 07:59:37
11 same issues still exist today, and they're not
12 addressed. So I'd like to see, you know,
13 comprehensive reform.

14 Q Anything else?

15 A Specifically, that's all I really ever 08:00:05
16 wanted. That's why I went to HR.

17 Q Any other --

18 A I mean, I'd also like women to be paid
19 fairly and equitably and promoted fairly and
20 equitably. I would like my job back at a fair and 08:00:25
21 equitable wage. And I would like my benefits
22 reinstated. I really did enjoy that six weeks of
23 vacation.

24 I left with five weeks before my
25 sabbatical. That would have been six weeks 08:00:39

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REPORTER'S CERTIFICATION

I, Leslie Johnson, a Certified Shorthand Reporter of the State of California, do hereby certify:

That the foregoing proceedings were taken before me at the time and place herein set forth; that any witnesses in the foregoing proceedings, prior to testifying, were administered an oath; that a record of the proceedings was made by me using machine shorthand which was thereafter transcribed under my direction; that the foregoing transcript is a true record of the testimony given.

Further, that if the foregoing pertains to the original transcript of a deposition in a Federal Case, before completion of the proceedings, review of the transcript [] was [] was not requested. I further certify I am neither financially interested in the action nor a relative or employee of any attorney or any party to this action.

IN WITNESS WHEREOF, I have this date subscribed my name.

Dated: December 15, 2020

A handwritten signature in cursive script that reads "Leslie Johnson". The signature is written in dark ink and is positioned above the printed name.

LESLIE JOHNSON

CSR No. 11451, RPR, CCRR